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ally noticed, between two methods of protecting laborers and materialmen, one by preventing the misappropriation by the contractor of the funds which should reach them, the other by giving them a lien on the real estate so far as such funds have not been provided or have been misapplied. As a whole, the work shows an appreciation on the part of the author of the spirit of American institutions.

H. K.

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ESTOPPEL BY MISREPRESENTATION. By John Skirving Ewart. Chicago : Callaghan & Co. 1900. pp. xlvii, 548.

There is hardly a topic in the law so uncertain in regard to its scope and fundamental principles as that of estoppel by misrepresentation. Mr. Ewart has made a commendable attempt at a thorough treatment of the subject ; and at the outset gives us a novel and useful contribution, in his use of the terms "estoppel-asserter" and "estoppel-denier," to designate the actors in cases of estoppel. A detailed analysis of the necessary elements of estoppel in its different phases takes up the first half of the book. The author's conclusion, that moral guilt is in general immaterial in estoppel by misrepresentation, is most far-reaching ; and, as he points out, is inconsistent in principle with the generally accepted doctrine of *Peek v. Derry*. The remaining half of the book is devoted to a discussion of estoppel, as applied to various branches of the law. Here it would seem that the author gives to estoppel far too great a scope. Instead of treating it as a doctrine to be resorted to only when the desired result can be attained on no other theory, he makes use of it in every possible case. The doctrines of prior equities, purchaser for value without notice, and the negotiability of bills and notes are among those that are explained as resting on estoppel by assisted misrepresentation.

The book will be the less useful to the practitioner, in that almost no American cases are considered in the text, and comparatively few are cited in the footnotes. Yet, although its style is at times scarcely dignified, especially where the English doctrine of tacking mortgages is said to make the legal title like a "greasy pig," the book does contain distinctly vigorous thought and discussion on a rarely discussed subject.

R. B. S.

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THE POLICE POWER OF THE STATE AND DECISIONS THEREON AS ILLUSTRATING THE DEVELOPMENT AND VALUE OF CASE LAW. By Alfred Russell of the Detroit Bar. Chicago : Callaghan & Co. 1900. pp. xvii, 204.

As its title indicates, the purpose of this volume is not so much a complete exposition of the so-called police power as a plea for our system of case law. By an analysis of the application of the various constitutional restrictions to this unclassified legislative power, the writer is enabled to define with considerable clearness the limits of this power under the constitutions. By this development and statement of the law, he not only aids in clarifying an important growing subject, but performs a valuable service by insisting upon the superiority of the flexibility of case law over the rigidity of codified law. But in common with many others, he does not always perceive that in dealing with this power the question is often a more fundamental one than that of constitutional restrictions, namely that of the limits of legislative power in general aside from constitu-